

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

KIMBERLY D. ROBERTS,

No. C 08-05787 WHA

Plaintiff,

v.

**ORDER RE DISCOVERY
DISPUTE**

SF CITY & COUNTY,

Defendant.

On September 22, 2009, defendant filed a letter brief stating that plaintiff had failed to respond to interrogatories and document requests and failed to appear for a deposition. After receiving the letter brief, the Court set a meet-and-confer for 9:00 a.m. on Tuesday, September 29, 2009, and a hearing at 10:00 a.m. that same day. The Court served its order by mail on plaintiff on or before September 25, 2009. Counsel for defendant appeared for the meet-and-confer and hearing. Plaintiff did not. At the hearing, the Court reviewed the discovery requests and the notice of deposition, and defendant represented that plaintiff had neither responded nor objected.

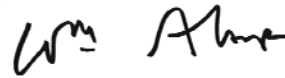
After the hearing, however, the Court received a faxed letter from plaintiff seeking to have her absence excused. The letter stated that plaintiff's daughter had a serious eye injury and that plaintiff had not obtained legal counsel. It is no excuse that she does not have a lawyer.

In an abundance of caution and to be fair to plaintiff, she will be given more time to file a written opposition to defendant's request for discovery relief. Plaintiff must file her opposition **BY NOON ON OCTOBER 9, 2009**. It seems that plaintiff has let the time pass for her to file any

1 objections to the interrogatories or document requests. The Court is inclined to grant defendant's
2 requested relief and require plaintiff to respond to the interrogatories and document requests and
3 to order her to appear for a deposition, but will consider any points plaintiff wishes to make, if
4 done on time. After noon on October 9, the matter will be deemed submitted on the papers.
5 PLAINTIFF IS WARNED THAT A FAILURE TO OPPOSE THE MOTION WILL FAVOR
6 GRANTING THE MOTION AND, IN TURN, A CONTINUED FAILURE TO RESPOND TO
7 THE DISCOVERY WILL LEAD TO A DISMISSAL WITH PREJUDICE OF HER CASE.

8
9 **IT IS SO ORDERED.**

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11 Dated: September 30, 2009.



WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE